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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,758	08/25/2003	Earl Roger Singleton	S146 1080.1	2785

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EXAMINER

MAYO, TARA L

ART UNIT PAPER NUMBER

3671

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/647,758

Applicant(s)

SINGLETON, EARL ROGER

Examiner

Tara L. Mayo

Art Unit

3671

WJ

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 11-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The declaration filed on 04 October 2004 under 37 CFR 1.132 is sufficient to overcome the Singleton et al. (U.S. Patent No. 6,416,674 B1) reference.

Claim Objections

2. The prior objections to the claims have been overcome by the response filed 04 October 2004.

3. Claims 6 and 7 are objected to because of the following informalities: inconsistent claim language.

In claim 6 on line 2, immediately following "water-permeable" and prior to "web" insert --non-woven--.

In claim 7 on line 2, immediately following "said" and prior to "water-permeable" insert --first--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1 through 4, 6, 7 and 11 through 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Difloe et al. (U.S. Patent No. 5,585,161).

Difloe et al. '161, as seen in Figure 1a, shows a geotextile filtration device (10; col. 5, lines 51 through 53) comprising:

with regard to claims 1, 11, 12 and 14,

a first water-permeable non-woven web (18);

at least one reinforcing element (26) attached to said first water-permeable non-woven web at a predetermined location and capable of receiving a fastener for attaching the device to a support member;

with regard to claim 2,

wherein said first water-permeable non-woven web comprises spun bond polyester (col. 4, lines 37 through 39);

with regard to claim 3,

wherein said reinforcing element comprises a woven or non-woven band (26);

with regard to claims 4 and 11,

wherein said band comprises a plurality of reinforcing strands (col. 4, lines 29 through 30);

with regard to claims 6, 11, 12 and 14,

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further comprising a second water-permeable non-woven web layered on said first water-permeable non-woven web (i.e., the first and second webs being the opposing web portions surrounding the embedded reinforcing element);

with regard to claims 7, 12 and 14,

wherein at least one reinforcing element is disposed at selected locations between a portion of said first water-permeable non-woven web and a portion of said second water-permeable non-woven web;

with regard to claim 11,

wherein said at least one reinforcing element comprises a plurality of reinforcing bands positioned at spaced locations along said first and second water-permeable webs;

with regard to claim 12,

wherein said at least one reinforcing element comprises a series of spun strands to form a band (col. 4, lines 29 through 30);

with regard to claim 13,

further comprising an array of reinforcing bands applied at selected portions of said first water-permeable web;

with regard to claim 15,

wherein said reinforcing elements each comprise a series of spun strands of a reinforcing material extending said first and second water-permeable non-woven webs; and

with regard to claim 16,

wherein said plurality of reinforcing elements is aligned parallel to each other.

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Difloe et al. (U.S. Patent No. 5,585,161).

Difloe et al. '161 teach all of the limitations of the claimed invention with the exception(s) of:

with regard to claim 5,

the plurality of reinforcing strands comprising fiberglass; and

with regard to claim 17,

the first and second webs comprising spun bond polypropylene.

With regard to claim 5, it would have been obvious to one having ordinary skill in the art of materials engineering to modify the device shown by Difloe et al. '161 such that the plurality of reinforcing strands would comprise fiberglass since use of the same to reinforce non-woven plastics is a well-known expedient.

With regard to claim 17, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device disclosed by Difloe et al. '161 by

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substituting polypropylene for the polyester material since the examiner takes Official Notice of the equivalence of polyester and polypropylene for their use in the textile art and the selection of either of these known equivalents to effect a chemically resistant, fatigue resistant, and heat resistant structure would have been within the level of ordinary skill in the art.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Difloe et al. U.S. Patent No. 5,585,161).

Difloe et al. '161 disclose all of the limitations of the claimed invention with the exception(s) of:

with regard to claim 6,

a second water-permeable non-woven web layered on the first water-permeable non-woven web.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device shown by Difloe et al. '161 such that it would further comprise a second water-permeable non-woven web layered on the first water-permeable non-woven web, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Response to Arguments

9. Applicant's arguments with respect to claims 1 through 7 and 11 through 17 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tara L. Mayo whose telephone number is 703-305-3019. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 703-308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



01 December 2004



ROBERT E. PEZZUTO
PRIMARY EXAMINER